

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JACK BRANDT, an individual,

Case No.
HON.

Plaintiff,

v.

Case No. 19-125-CZ
HON. JOHN A. HALLACY

COUNTY OF ST. JOSEPH,
a public body,

Defendant.

WILLIAM F. PIPER (P38636)
William F. Piper, PLC
Attorney for Plaintiff
1611 W. Centre Ave., Ste. 209
Portage, MI 49024
(269) 321-5800
wpiper@piperlaw.com

SUZANNE P. BARTOS (P36490)
Cummings, McClorey, Davis & Acho, P.L.C.
Attorneys for Defendant
17436 College Parkway
Livonia, MI 48152
(734) 261-2400
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NOTICE OF REMOVAL

TO: Clerk of the Court
U.S. District Court
Western District
Southern Division

Clerk of the Court
Calhoun County Circuit Court
161 E. Michigan Avenue
Battle Creek, MI 49014

William F. Piper
William F. Piper, PLC
1611 W. Centre Ave., Ste. 209
Portage, MI 49024

PLEASE TAKE NOTICE that Defendant has hereby removed the above-entitled cause of action from the Calhoun County Circuit Court to the United States District Court for the Western District of Michigan, Southern Division, pursuant to the provisions of 28 U.S.C. §1446 *et. seq.* In support of its removal of the above-entitled cause of action, Defendant respectfully represents the following information:

1. On June 14, 2019, Plaintiff filed this Amended Complaint in the Calhoun County Circuit Court, with a designated Case Number of 19-125-CZ and is now pending in that court. (**Exhibit A**, Amended Complaint). Further, the Plaintiff's Amended Complaint is predicated upon 42 U.S.C. § 12131 *et seq.* alleging that Defendant St. Joseph County violated his rights under the Americans with Disabilities Act.

2. The Defendant, St. Joseph County, was served with a copy of the Amended Complaint on or about June 14, 2019.

3. Pursuant to Paragraph 1 of the Amended Complaint, Jack Brandt is a Michigan resident of the County of St. Joseph.

4. Pursuant to the Paragraph 4 of the Amended Complaint, St. Joseph County is a municipal corporation organized and existing under the constitution and laws of the State of Michigan.

5. That the above-entitled action is a civil action wherein the Plaintiff is claiming a violation of his rights under the Americans with Disabilities Act, 42 U.S.C. § 12131 et. seq.

6. That this Court has original jurisdiction of the above-entitled cause pursuant to 28 U.S.C. §1331 and this action may therefore be removed to this Court pursuant to 28 U.S.C. §1441, et. seq.

7. This Notice is being filed with this Court within thirty (30) days after service of the Summons and Complaint upon the Defendant.

8. Written Notice of Filing this Petition of Removal and Notice of Removal has been sent to the Plaintiff.

9. A copy of the Notice of Removal has been filed with the Clerk of the Court for the Circuit Court for the County of Calhoun, State of Michigan.

10. That the Defendant, St. Joseph County, in this matter has been served with the Amended Complaint and is being represented by the undersigned and concurs in the filing of this Petition.

WHEREFORE, Defendant, County of St. Joseph, prays that this Honorable Court grant this Petition for Removal.

Respectfully submitted,

/s/ Suzanne P. Bartos

Cummings, McClorey, Davis & Acho, P.L.C.
17436 College Parkway
Livonia, MI 48152
Phone: (734) 261-2400
Primary E-mail: sbartos@cnda-law.com
P 36490

Dated: June 28, 2019

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JACK BRANDT, an individual,

Case No.
HON.

Plaintiff,

v.

Case No. 19-125-CZ
HON. JOHN A. HALLACY

COUNTY OF ST. JOSEPH,
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Defendant.

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PETITION FOR REMOVAL

NOW COMES the Defendant, St. Joseph County, by and through its attorneys, CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C, and hereby petitions this Court pursuant to Title 28 U.S.C. §1441 for removal of the above-entitled cause to the United States District Court for the Western District of Michigan, Southern Division, for the following reasons:

1. On June 14, 2019, Plaintiff filed this Amended Complaint in the Calhoun County Circuit Court, with a designated Case Number of 19-125-CZ and is

now pending in that court. (**Exhibit A**, Amended Complaint). Further, the Plaintiff's Amended Complaint is predicated upon 42 U.S.C. § 12131 et seq. alleging that Defendant St. Joseph County violated his rights under the Americans with Disabilities Act.

2. The Defendant, St. Joseph County, was served with a copy of the Amended Complaint on or about June 14, 2019.

3. Pursuant to Paragraph 1 of the Amended Complaint, Jack Brandt is a Michigan resident of the County of St. Joseph.

4. Pursuant to the Paragraph 4 of the Amended Complaint, St. Joseph County is a municipal corporation organized and existing under the constitution and laws of the State of Michigan.

5. That the above-entitled action is a civil action wherein the Plaintiff is claiming a violation of his rights under the Americans with Disabilities Act, 42 U.S.C. § 12131 et. seq.

6. That this Court has original jurisdiction of the above-entitled cause pursuant to 28 U.S.C. §1331 and this action may therefore be removed to this Court pursuant to 28 U.S.C. §1441, et. seq.

7. This Notice is being filed with this Court within thirty (30) days after service of the Summons and Complaint upon the Defendant.

8. Written Notice of Filing this Petition of Removal and Notice of Removal has been sent to the Plaintiff.

9. A copy of the Notice of Removal has been filed with the Clerk of the Court for the Circuit Court for the County of Calhoun, State of Michigan.

10. That the Defendant, St. Joseph County, in this matter has been served with the Amended Complaint and is being represented by the undersigned and concurs in the filing of this Petition.

WHEREFORE, Defendant respectfully requests that it may effect removal of the within action from the Circuit Court for the County of Calhoun, State of Michigan to the United States District Court for the Western District of Michigan, Southern Division.

Respectfully submitted,

/s/ Suzanne P. Bartos

Cummings, McClorey, Davis & Acho, P.L.C.
17436 College Parkway
Livonia, MI 48152
Phone: (734) 261-2400
Primary E-mail: sbartos@cnda-law.com
P 36490

Dated: June 28, 2019

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2019, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: N/A

and I hereby certify that I have mailed by United States Postal Service the foregoing paper to the following non-ECF participants: **Clerk of the Court, Calhoun County Circuit Court and William F. Piper**

/s/ Deborah L. Van Steenis

Deborah L. Van Steenis